

## Ezekiel Perez

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**From:** Tim Cleveland <tcleveland@clevelandterrazas.com>  
**Sent:** Tuesday, November 17, 2020 2:44 PM  
**To:** Ezekiel Perez; John Muller  
**Cc:** Austin Krist; Frankie Payne; Chris Johns; Christie Hebert; 'mblack@burnsandblack.com'; nwilson@langleybanack.com; wgermany@bsklaw.com; jduke@dbmmlaw.com  
**Subject:** RE: KrisJenn

Zeke,

John and I only spoke last evening, and not earlier today. When we spoke last night, we agreed that DMA would supplement its interrogatory answers this week, and we would reschedule Mr. Moore's deposition. After speaking with him last night and today, I have dates for Mr. Moore's rescheduled deposition – he is available December 1-4. Please let us know what works for you. We will supplement our interrogatory answers by the end of this week.

On mediation, we are fine with Wade Shelton, and I spoke to his office this afternoon. He is available for a full day mediation any day during the week of December 7-11. I will see what works for Daniel and Darin that week, and we can also check on the McLeods for that week too.

Today is the first time your side has requested a deposition of Mr. Borders/Longbranch. We will talk with him and respond with his availability.

Thanks,  
Tim

Tim Cleveland

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**From:** Ezekiel Perez <zeke.perez@cjma.law>  
**Sent:** Tuesday, November 17, 2020 12:00 PM  
**To:** John Muller <john.muller@cjma.law>; Tim Cleveland <tcleveland@clevelandterrazas.com>  
**Cc:** Austin Krist <akrist@clevelandterrazas.com>; Frankie Payne <frankie.payne@cjma.law>; Chris Johns <cjohns@johnsandcounsel.com>; Christie Hebert <chebert@johnsandcounsel.com>; 'mblack@burnsandblack.com' <mblack@burnsandblack.com>; nwilson@langleybanack.com; wgermany@bsklaw.com; jduke@dbmmlaw.com  
**Subject:** RE: KrisJenn

Tim,

Per your and John's conversation earlier, attached is a draft letter agreement. I've provided both a PDF and a word versions. Should you have any proposed revisions, please provide them as redline edits on the word draft. Otherwise,

please feel free to sign and return the PDF. Of course, do not hesitate to reach out with any questions or concerns. Thank you.

*Ezekiel J. Perez*

Associate Attorney

**CJ Muller & Associates, PLLC**

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Main: (210) 664-5000

[zeke.perez@cjma.law](mailto:zeke.perez@cjma.law)

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**From:** John Muller <[john.muller@cjma.law](mailto:john.muller@cjma.law)>

**Sent:** Tuesday, November 17, 2020 8:46 AM

**To:** Tim Cleveland <[tcleveland@clevelandterrazas.com](mailto:tcleveland@clevelandterrazas.com)>

**Cc:** Ezekiel Perez <[zeke.perez@cjma.law](mailto:zeke.perez@cjma.law)>; Austin Krist <[akrist@clevelandterrazas.com](mailto:akrist@clevelandterrazas.com)>; Frankie Payne <[frankie.payne@cjma.law](mailto:frankie.payne@cjma.law)>; Chris Johns <[cjohns@johnsandcounsel.com](mailto:cjohns@johnsandcounsel.com)>; Christie Hebert <[chebert@johnsandcounsel.com](mailto:chebert@johnsandcounsel.com)>

**Subject:** RE: KrisJenn

Tim,

Thank you. All of this will need to be reduced to a Rule 11 letter whereby Mr. Moore agrees, in accordance with the Court's orders and your email below, to withdraw his objections to interrogatories. Mr. Moore will then need to agree to provide complete and verified answers and agree to a certain date for his deposition to take place before the end of this month. We will agree to attend mediation only after Mr. Moore's deposition has been completed. I would also like to reserve a date for Mr. Borders deposition.

As for the mediation, I would be open to either Wade Shelton or Tommy Smith. Please let us know which you prefer so we can make reservations. We believe it would be prudent for Mr. Borders to be represented by Mr. Black or some other independent counsel at the mediation. Please let me know if this is agreeable.

Thanks,

*John Muller*

**CJ Muller & Associates, PLLC**

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**From:** Tim Cleveland <[tcleveland@clevelandterrazas.com](mailto:tcleveland@clevelandterrazas.com)>  
**Sent:** Monday, November 16, 2020 6:56 PM  
**To:** John Muller <[john.muller@cjma.law](mailto:john.muller@cjma.law)>  
**Cc:** Ezekiel Perez <[zeke.perez@cjma.law](mailto:zeke.perez@cjma.law)>; Austin Krist <[akrist@clevelandterrazas.com](mailto:akrist@clevelandterrazas.com)>; Frankie Payne <[frankie.payne@cjma.law](mailto:frankie.payne@cjma.law)>; Chris Johns <[cjohns@johnsandcounsel.com](mailto:cjohns@johnsandcounsel.com)>; Christie Hebert <[chebert@johnsandcounsel.com](mailto:chebert@johnsandcounsel.com)>  
**Subject:** RE: KrisJenn

John/Zeke, good talking with you tonight. As we discussed, we will get you answers to those interrogatories by the end of this week, and get you new dates for the reschedule of Mr. Moore's deposition that is currently set for 11/18.

I will also get the availability for Wade and Don in December, and we will make the final choice tomorrow for a mediator.

Thanks,  
Tim

Tim Cleveland

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**From:** John Muller <[john.muller@cjma.law](mailto:john.muller@cjma.law)>  
**Sent:** Monday, November 16, 2020 5:26 PM  
**To:** Tim Cleveland <[tcleveland@clevelandterrazas.com](mailto:tcleveland@clevelandterrazas.com)>  
**Cc:** Ezekiel Perez <[zeke.perez@cjma.law](mailto:zeke.perez@cjma.law)>; Austin Krist <[akrist@clevelandterrazas.com](mailto:akrist@clevelandterrazas.com)>; Frankie Payne <[frankie.payne@cjma.law](mailto:frankie.payne@cjma.law)>  
**Subject:** RE: KrisJenn

Tim, They are both good options. Don is better for cases that involve complex facts. Wade is good at managing difficult personalities, but Tommy is better. Feel free to call me if you would like to discuss.

I will need responses to interrogatories first thing in the morning or I will have to, once again, postpone the deposition and move to compel.

Thanks,

**From:** Tim Cleveland <[tcleveland@clevelandterrazas.com](mailto:tcleveland@clevelandterrazas.com)>  
**Sent:** Monday, November 16, 2020 5:20 PM  
**To:** John Muller <[john.muller@cjma.law](mailto:john.muller@cjma.law)>  
**Cc:** Ezekiel Perez <[zeke.perez@cjma.law](mailto:zeke.perez@cjma.law)>; Austin Krist <[akrist@clevelandterrazas.com](mailto:akrist@clevelandterrazas.com)>; Frankie Payne <[frankie.payne@cjma.law](mailto:frankie.payne@cjma.law)>  
**Subject:** RE: KrisJenn

John, what about Don Philbin and Wade Shelton. I'm hearing excellent things about them both.

We are looking into the issues you've raised about interrogatories.

Tim Cleveland

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**From:** John Muller <[john@muller-smeberg.com](mailto:john@muller-smeberg.com)>  
**Sent:** Monday, November 16, 2020 11:39 AM  
**To:** Tim Cleveland <[tcleveland@clevelandterrazas.com](mailto:tcleveland@clevelandterrazas.com)>  
**Cc:** Ezekiel Perez <[zeke@muller-smeberg.com](mailto:zeke@muller-smeberg.com)>; Austin Krist <[akrist@clevelandterrazas.com](mailto:akrist@clevelandterrazas.com)>; Frankie Payne <[Frankie@muller-smeberg.com](mailto:Frankie@muller-smeberg.com)>  
**Subject:** RE: KrisJenn

Tim,

Tommy Smith is a top mediator here in town. He is willing to handle this case in-person and he assures me that he has rigorous COVID protocols in place. A link to his website and on-line calendar is below:

<https://www.texasneutrals.org/tommy-smith>

Also, are you going to drop the interrogatory objections and provide answers? I need those asap so I can prepare for Moore's deposition on Wednesday.

Thanks,

*John Muller*

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**From:** Tim Cleveland <[tcleveland@clevelandterrazas.com](mailto:tcleveland@clevelandterrazas.com)>  
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**Subject:** KrisJenn

John,

Do you have any more ideas on a good mediator? Also, I still have on my calendar for this afternoon a hearing on the motion to compel that ended up getting heard on an expedited basis. Can you let Deanna know that we don't need that slot anymore?

Thanks,  
Tim

Tim Cleveland

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